

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>ROGER GRIFFIN,</b>	:	<b>CIVIL NO. 3:24-CV-112</b>
	:	
<b>Plaintiff,</b>	:	
	:	
<b>v.</b>	:	
	:	<b>(Magistrate Judge Carlson)</b>
<b>JAMES PETRUCCI, et al.,</b>	:	
	:	
<b>Defendants.</b>	:	

**ORDER**

AND NOW, this 28<sup>th</sup> day of October 2024, in accordance with the accompanying Memorandum Opinion, IT IS ORDERED that the defendants' Motion for Judgment on the Pleadings, (Doc. 34), is GRANTED in part and DENIED in part as follows:

The motion is GRANTED with prejudice with respect to the Scranton Police Department and Griffin's Fourth Amendment unlawful GPS surveillance conspiracy claims against Scranton Police Officers, James Petrucci and Kevin Sweeney.

The motion is GRANTED without prejudice with respect to Griffin's Fourth Amendment failure to intervene claims against Officer Sweeney, and Griffin will be afforded an opportunity to amend his complaint to state additional well-pleaded facts in support of this claim provided that he files an amended complaint on or before **November 15, 2024.**

Finally, as for the excessive force claim against Officer Petrucci the parties are placed on notice that we are converting this motion for judgment on the pleadings into motion for summary judgment and set the following briefing schedule on this summary judgment motion: The defendant shall file a brief in support of this summary judgment motion, statement of facts, and all associated exhibits on or before **November 15, 2024.** Griffin shall respond to this motion on or before **December 6, 2024.** The movant may then file a reply brief on or before **December 20, 2024.**

*S/ Martin C. Carlson*  
Martin C. Carlson  
United States Magistrate Judge